

REGULAR MEETING

JULY 27, 1999

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Rodney Eagle; City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Earl Q. Thumma, Jr., Vice-Mayor Hugh J. Lantz, Council Member John H. Byrd, Jr., Walter F. Green, III, and Larry M. Rogers; City Clerk Yvonne Bonnie Ryan, CMC, and Chief of Police Donald Harper.

Council Member Byrd delivered the invocation and Mayor Eagle led everyone in the Pledge of Allegiance.

Human Resource Director Whistleman introduced three new City employees: Michelle Craun, Police Department; Elizabeth Curry, Fire Department; and Kenneth Showman, Public Utilities Department.

Council Member Rogers offered a motion to approve the consent agenda, including approval of the minutes, and the second reading of several encumbrances, a special use permit, and a supplemental appropriation for emergency generators for Harrisonburg High School. The motion also included amending and re-enacting Section 4-2-97 of the Harrisonburg City Code. The motion was seconded by Vice-Mayor Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Council Member Byrd

Mayor Eagle

Absent: None

Planning and Community Development Director Turner presented for Council's consideration adoption of the 1999 Major Street Plan update. She explained that the purpose of the Major Street Plan is to facilitate safe, efficient, and convenient transportation routes throughout the City and in cooperation with the County. It proposes locations for the new street and improvements to existing streets. This is a plan that needs to be reviewed and updated just as the City's Comprehensive Plan is reviewed and updated on a five-year basis. There is a direct link between land use and transportation, and because of this, the Major Street Plan is an important part of the City's Comprehensive Plan. As part of a continuing effort to review our planning tools, we thought it was time to review the Major Street Plan and provide any updates on it. Some land use patterns have changed in the City in the last five years. We have had a lot of development and growth occur. There have also been a lot of changes in traffic patterns throughout the City. She said that the Harrisonburg Area Transportation Study was adopted after the Major Street Plan was adopted in 1994. However, the Major Street Plan adopted in 1994 was based on the Harrisonburg Area Transportation Study. The City and County received assistance from VDOT in developing the Harrisonburg Area Transportation Study. Although focused mainly on vehicular traffic, the Major Street Plan endorses the planning and construction of nonvehicular routes for pedestrians and bicyclist. The Harrisonburg Bike Plan, adopted by City Council in August 1994, attempts to address these routes. Planning Commission is now in the process of having a committee trying to update the Bike Plan. This plan reviews the need for bicycle facilities whenever street improvements are undertaken or whenever new streets are constructed. Future development for bike plans will be carefully planned and financed according to the City's financial plans and schedule. Surrounding areas will also be studied trying to fit roads in as surrounding properties are developed. Improvements to most of the roads will be included into the City's five-year Capital Improvements Programs (CIP). Mrs. Turner explained that this plan is very general in nature, but it is important to keep in mind that it is a conceptual plan, not a construction plan. When a route is shown on this plan, it is really a route linking two different streets together. As the time draws closer for specific improvements and funds are made available; locations and conditions will be further analyzed. Briefly, Mrs. Turner reviewed what has changed in the plan in the last five years and the projects that have either been completed or are under construction. These projects include Garbers Church Road, completion of widening of Port Republic Road, the development of Peach Grove Avenue, the bridge across the interstate connecting JMU, the West Market Street project, extension of Neff Avenue, widening of Reservoir Street to four lanes including a portion of Cantrell Avenue and the extension of Burgess Road.

Mrs. Turner also reviewed proposed changes in the plan since 1994. These changes include the extension of Chestnut Ridge Drive, the widening of Linda Lane between Market Street and Country Club Road, the extension of Linda Lane between Country Club Road and Smithland Road to four-lanes, a new connector between Country Club Road and Smithland Road, the widening of Country Club Road to three lanes from Vine Street to Keezletown Road, and the Erickson Avenue extension from High Street to Main Street. Another change is the extension of Erickson Avenue from South High Street as a four-lane minor arterial with controlled access. This was shown as a concept in 1994 on the Major Street Plan. During the process, two different subcommittees met with the City Council and Planning Commission to work on this street connection to indicate where this route would be. She mention that then, VDOT told staff that they felt that funding this roadway would be difficult. When the Harrisonburg Area Transportation Study was adopted, VDOT did not reflect the route shown on the City=s Major Street Plan on the HATS map. There was a note in the narrative explaining that the City Council adopted it with the revision to Erickson Avenue, but VDOT did not make that change on their map. It would be hard for VDOT to support building the road in the location around Pear Street. Nevertheless, the City has not received any written confirmation from VDOT whether or not they would support or contribute money toward constructing this extension. The proposed change shows a more direct route connecting High Street to Main Street. She said that staff had hoped with the completion of Neff Avenue extended, also designated as a minor arterial road with controlled access, people could see that it would not have houses directly fronting on the road. She reviewed other locations in the City that have similar circumstances with neighborhoods butting up to minor arterial roads. She said that Planning Commission recommended approval of the Major Street Plan with a five to two vote.

Public Works Director Baker briefly reviewed some of the changes on the map including ideas to improve Erickson Avenue as it exists now, pointing out how close the road would come to an existing home, lowering the grade of the railroad track, impacting a business on High Street, and creating an east-west movement in the southern corridor of Harrisonburg. He also mentioned the investment made in Garber Church Road and noted the improvements made to Mt. Clinton Pike and Acorn Drive. He said that the estimated cost difference between the routes based on length is approximately one million dollars plus the additional cost for right-of-way and construction due to topography.

At 7:50 p.m., Mayor Eagle closed the regular session temporarily and called the evening=s first public hearing to order. The following notice appeared in the Daily News-Record on Monday, July 12, and Monday, July 19, 1999.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, July 27, 1999, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, to consider the following:

Major Street Plan

Review and update of the Major Street Plan. The purpose of the Major Street Plan is to provide for safe, efficient, and convenient transportation routes throughout the City. The Major Street Plan proposes new streets, as well as improvements to existing streets, to accommodate existing and planned development.

Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. All persons interested will have the opportunity to express their views at this public hearing.

Any individual requiring auxiliary aids, including signers, in connection with the public hearing, shall notify the City Manager at least five (5) days prior to the date of the meeting.

CITY OF HARRISONBURG

Steven E. Stewart

City Manager

Mayor Eagle called on anyone desiring to speak for or against adopting this Major Street Plan.

Robert Newhouse questioned when the map was drawn and what kind of base does VDOT require to build a road.

Kathy Ritcher, a resident living at 1916 Lynne Place, said that her family moved to Harrisonburg in July of 1996. At that time we were aware that the City had recently considered putting a road to the south of our subdivision. We were concerned about that possibility, but our understanding was that the road would not take a route that would affect our property. She noted that on July 26, 1994, after weighing all the factors, the City Council voted unanimously to place the Erickson Road extension south of the Abig hill@ rather than running it within 300' of Willow Hill subdivision. **Why has this agreement been abandoned?** At the Planning Commission meeting three weeks ago, it was pointed out that because development takes place over a five-year period, it is necessary to update the street plan at this point. As a general principle this makes sense to me, but my question is: What specific development over the past five years makes this change necessary? Since the Planning Commission meeting, City staff members have pointed out to us that there are many other residential areas in town that are located very close to four-lane or other busy roads. But our situation is unique in several ways. In the other cases, the roads have preceded the housing, or maybe a pre-existing road has been widened. In our case, we are talking about putting a road where one does not currently exist. Do we really want a truck route running a football-field away from homes when we can avoid it? It is important to stress the fact that this undoubtedly will be a truck route. Much of the truck traffic that currently uses Pear Street/Mosby Road, Pleasant Hill road, and South Avenue will funnel onto this road as they travel east-west from I-81 and Route 11 to Route 42 and points west. In some other cases, such as Peach Grove Road, the truck issue is not nearly the concern it would be on the Erickson extension. So I see our case as different from, say, the Stone Spring subdivision. Another unique consideration is that topography makes the portion of the road exposed to our neighborhood an even more significant concern. To really understand the impact this road would have, I invite you to not just drive by in a van, but to walk down our streets, come into our yards, and sit on our back decks. I think you will see a different perspective. It is true, unfortunately, that many residential areas in the City have been and are being encroached upon by busy roadways, as well as by developments such as high-density housing. I don't see this as a desirable scenario. Do you? We are proud of the many good things that growth says about our City and brings to our City. However, when the way in which Aprogress@ occurs begins to have a negative effect on the quality and integrity of our neighborhoods, it is time to draw the line. The Erickson Avenue route is not just a quality of like issue for the residents of Willow Hill subdivision. Decisions like this happen only one at a time, but their combined effect is of concern to many more City residents and neighborhoods. It's no secret the route approved in >94 will probably cost more up front than the one being proposed now. However, the 1994 City Council that unanimously approved this route for Erickson Avenue obviously decided the situation justified the expense. I believe that over the years the difference in the cost will be made up for intangibly in terms of quality of life of our residents and therefore their desire to remain in the City and to help Harrisonburg become the kind of City we all want it to be. It is disheartening to think that the quality of life of our City=s residents is overlooked in decisions such as this. It is equally disheartening to think that an agreement reached between City residents and their leaders could be broken.

Gail Bundrick unable to attend had the following tape played for City Council. Good evening Mayor Eagle and Councilmen. I deeply regret the impersonal tape, however, a prior family commitment has made my presence impossible. Our family has lived in Willow Hill subdivision for seven years. Its natural quiet country setting and mature trees were the drawing cards to this location. Qualities that most prospective home buyers would value. Recently, Harrisonburg has gone through a rapid growth spurt some of it unavoidable, but much is due to the liberal rezoning policies of our City Government. Now existing neighborhoods are bearing the brunt of congested streets by having four lane arterial roads cutting through future neighborhood development, thus disputing its natural growth plan. In June, 1994 despite additional costs the proposed Erickson Avenue extension was approved further south of our neighborhood, by City Council, Planning Commission and VDOT. Now we are told the route is not cost effective. The latest proposed route, only a football field away, will overlook our subdivision and surrounding neighbors carrying with it the sounds of the big City. The echo of truck traffic bouncing off the higher elevation behind this road is not a comforting bedtime ritual. Four-lane roads attract high density and/or commercial development. Harrisonburg is seeking to attract middle and upper middle income families to the area. Attracting and selling upscale homes with a road of this magnitude will be a tough struggle. This road issue comes at a time when urban flight has begun. The City has successfully paved the way for its middle and upper class families to seek greener pastures in protected neighborhood environments beyond the City limits. In conjunction with this, our school system will suffer the loss of typically higher achieving students. Statistically, Harrisonburg City school=s enrollment in the past four years has been wavering from 3,500 to below 3,600 students with 51 less students enrolling in this current school year. Rockingham County=s four year enrollment figures have increased each year by 90-159 students/year. Is this a pattern? With urban flight, typically property values decrease. What are the cost figures to the City on all these losses? More important, what are we conveying to our children and prospective City residents when people of authority fall short on their commitment to its community? Residential confidence and support of this City need to be repaired. Hopefully the healing can begin by paving the way around existing neighborhoods rather than a football field away. Save a tree, save a habitat, save our City...Future generations and the welfare of Harrisonburg are depending on your hindsight.

Gary Ritcher said he wanted to focus on two related issues. The first being the set of reasons presented over five years ago by citizens seeking an alternative to the most direct route for the Erickson Avenue extension. Reasons which ultimately served as the basis for the route that was selected and approved by the City Council. The issues are quite familiar to you and they related to the impact of the more direct route on existing neighborhoods. These reasons are just as valid as they were five years ago and at that time they were considered compelling enough to prevail despite the well-known advantage of the more direct route including lower costs. He said that he could detect little information to justify returning to the proposed route the Council rejected five years ago. By attending the Planning Commission meeting and reading in newspaper, he suggested two things, the difference in the cost of the two routes and the opinion of VDOT. He noted that the minutes of the City Council meeting in 1994 at which the Erickson Avenue extension was approved acknowledge a difference in cost. He said it appeared Staff was attempting to persuade Council to reverse an earlier decision. He mentioned three points regarding VDOT, noting that it was far from clear what the significant of VDOT opinion is, the input from VDOT comes from the summer of 1994, and VDOT rendering has been a little bit ambiguous going back to this period. He noted that the route in any form is not part of the six-year plan, cannot be added until next April and the prospect for funding from VDOT over the six-years seem rather bleak. In short, VDOT may not be the source of funding for any version of this road. He urged City Council to honor the ruling worked out five years ago.

Cathy McClatchy handed out pictures of the Hunter=s home which is located at the very end of Willow Hills Road. She said that this is a state and national historical home. She said that this particular route unless it is moved one way or the other is impossible to build because of the steep grade, curving topography, rolling hills, unsteady ground, and limestone rocks. She questioned why can=t Harrisonburg, Rockingham County and VDOT work on this project together.

City Manager Stewart said that the City and County are working together on prioritizing some of the major roads in the HATS study, but when a road crosses into two jurisdictions it makes it much more difficult to get it built. Because the Major Street Plan calls for this road to swing out into Rockingham County about 1,200 feet only complicates an already complicated and expensive roadway. Mr. Stewart said he couldn=t speak for Rockingham County but this plan might not be a very high priority for them. But, overall we are working both at the staff and the City/County Liaison committee level to try to prioritize most of the projects in the HATS study. He said that AI am not sure what VDOT meant by we are not participating because we do have a number of City projects in VDOT=s six-year program.@ Erickson Avenue has not been proposed in the six-year plan because it has had a very low priority because of the current alignment shown on the Major Street Plan. All projects submitted over the past several years to be a part of the six-year improvement plan, have been projects that are totally within the City limits of Harrisonburg.

Homer Ageon, a resident living at 1718 Central Avenue for 20 years, said that the majority of traffic on Pleasant Hill Road is really County traffic. He suggested that the proposed road be moved south to accommodate the new Wal-Mart traffic. He also said that the County needed to contribute to the expense of the road.

Helene Pettus said that once a four-lane is built in the area, developers will want to rezone property and we could have another Neff Avenue. Since 1992, residents of the area have appeared before Council requesting that their area remain low density zoning.

City Manager Stewart said that he would like to clarify some of the discussion concerning the development on Neff Avenue. It is important for everyone to understand that the two apartment complexes on Neff Avenue have been zoned for multi-families since 1983 when they were annexed into the City. The nearby Woodland Subdivision is also zoned R-3. The developers of Woodland chose to develop their subdivision as a mixture of single-family homes and duplexes, but could have chosen to build student housing as is being constructed now on Neff Avenue.

Sara Ann Whitmore expressed her concern about some of the erosion that this new road might bring to their area. There is an area below where she lives on Rex Road that floods and she said that the residents need some input on the environmental information.

Becky Hunter, a resident living at 1982 Willow Hill Drive, wanted to address the following issues: (1) We acknowledge that traffic needs to move expeditiously through the City. (2) We approve of development and progress. (3) However we also believe that traffic flow and development are not more important than the neighborhoods where we live and play. (4) We are concerned that our neighborhood will be sacrificed to accomplish Aprogress@ if the Stonespring to Erickson connector road abuts our neighborhood. This small section between Route 11 and Route 42 will have much more truck traffic than any of the rest of this road between Route 33 West and the Mall. A steep road so heavily traveled by eighteen wheelers and other big trucks, should not be going through the middle of property zoned for R-1 and R-2 residential housing. (5) We are concerned about preserving our history while looking to the future. We would like to see you preserve the environment around one of the oldest homes in the City. Our home, the George Earman House, built in 1822, is listed on the National Register and the Virginia Landmarks Commission. The home is a one of a kind and has been open to the Virginia State Garden Club Tour, the Harrisonburg Bicentennial tour as well as numerous Smithsonian bus tours. The parlor is hand carved and painted and is a treasure to be preserved. (6) We, of course, are personally interested in maintaining the value of our home. However, we realize we cannot take it with us. We would like to see it and its surroundings preserved for future generations. (7) We ask that you not approve this four lane truck route through this area zoned for low density residential. Thank you. She requested clarification on a question AIs it true that VDOT gives the City money and then the City decides what to do with it?@

City Manager Stewart responded that Council adopts resolutions and forwards the resolutions to VDOT for streets that it wants built with state funding. He noted that West Market Street for example is one of those projects. The City of Harrisonburg contributed approximately 2% toward the cost of West Market Street and VDOT contributed the other 98%. The contractors are hired by VDOT and it is a VDOT project.

Steven Blatt, a resident living at 755 South Dogwood Drive, said that it was apparent at the Planning Commission public hearing meeting, everyone was unaware of the extensive records that had been developed with the two citizens committees in 1994. But, AI want to tell you that the problems with this road are more than what has been disclosed so far.@ The important fact to remember is because of the topography the street will not be built to accommodate trucks and certainly won=t be built to encourage trucks. None of the issues were reconsidered. He questioned, AWho in this room thinks that the City or VDOT will fund the reduction of the railroad right-of-way?@ We addressed that in the committee meetings; it is an horrendous expense. You will have to rework the grade for miles. He said that the obstacles to the construction of the road remain primarily the railroad crossing and environmental concerns. The real issue is, AThis road can=t be built and the staff knows it.@ The killer in the project is the railroad. If you build a bridge it will be impossible to fund it. You can=t tunnel underneath it, because it has to be deep enough for tractor trailers to pass under it. All of those issues were explored six years ago. Apparently they were not readdressed, but the record is there. There isn=t any reason to change this road and the entrance and exit points should remain at the same locations.

There being no others desiring to be heard, the public hearing was declared closed at 8:46 p.m., and the regular session reconvened.

Discussion and comments from Council Members included that one day the City will almost be grid locked, need for an east-west connector, the new Wal-Mart will definitely have a big impact on the south-west side of the City, railroad cooperation, difference between the two roads, need to plan at least in case the road is built, and prior low priority in the Capital Improvement Program. Additional discussion and comments included truck traffic, County traffic, area transportation study, south-east loop around Harrisonburg to service a lot of traffic, no detailed field work, seeing how best to get from point A to point B, minimize the impact on the adjacent property owners, noise, run-off, Hunter property, Brubaker property, concern about VDOT funding, increased cost, current route, proposed route swinging out into Rockingham County and suggesting some interfacing with VDOT representatives. Council also discussed the practical and impractical point from an engineering standpoint, the expense of the project, environmental issues, the concern of Council in 1994, connection to Stone Spring Road, Staunton VDOT District has 17 million a year to spend in the whole district, it will probably be 10 years at least to get this project into the six-year plan unless other streets are removed from the City's priority list, and by default roads like Pleasant Hill and South Avenue will be the east-west connector. Council Member Green offered a motion to table the Major Street Plan for 30 days and directed the City Manager and staff to consult with the railroad and VDOT for further information regarding this project. The motion was seconded by Council Member Rogers, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Council Member Byrd

Mayor Eagle

Absent: None

Planning and Community Development Director Turner introduced a request by Erwin Construction, Inc. to rezone 0.55 acres, located at 615 Stone Spring Road from R-2 Residential District (Conditional) to R-1 Single Family Residential. She explained that the applicant is requesting this rezoning to adjust a zoning boundary line so it coincides with property lines for seven individual lots in the Green Springs Subdivision. The area to be rezoned is in the middle of Green Springs Subdivision. This is a single family subdivision which was partially rezoned to R-2 at the request of Mr. Michael's developer to facilitate single family houses on lots that have less width than would have been required on R-1. As a result of engineering design factors and topographical issues, the preliminary layout of Green Springs Subdivision, Sections 3 & 4 was revised. The revision created seven lots in Section 3 with two different zoning designations. The applicant is requesting to adjust the zoning line so these seven lots would be zoned R-1, instead of a combination of R-1 and R-2 conditional. Planning Commission recommended approval of this rezoning request.

At 9:35 p.m., Mayor Eagle closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Monday, July 12, and Monday,

July 19, 1999.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, July 27, 1999, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, to consider the following:

Rezoning

A request by Erwin Construction, Inc. to rezone 0.55 acres, located at 615 Stone Spring Road, from R-2 Residential District (conditional) to R-1 Single-Family Residential District. The property is identified as a portion of tax map parcels 93(B)4 and 5. The conditional R-2 zoning classification allows single-family homes on 10,000 SF lots with a minimum lot width of 60 ft., whereas the R-1 zoning classification allows single-family homes on 10,000 SF lots with a minimum lot width of 80 feet. The Comprehensive Plan recommends the site for medium density residential use.

Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. All persons interested will have the opportunity to express their views at this public hearing.

Any individual requiring auxiliary aids, including signers, in connection with the public hearing, shall notify the City Manager at least five (5) days prior to the date of the meeting.

CITY OF HARRISONBURG

Steven E. Stewart

City Manager

Mayor Eagle called on anyone desiring to speak for or against this request.

J.R. Copper, the applicant=s representative, said that this is a housekeeping issue and he was present to answer any questions. There being no others desiring to be heard, the public hearing was declared closed at 9:36 p.m., and the regular session reconvened. Council Member Green offered a motion to approve this request. The motion was seconded by Council Member Rogers, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Council Member Byrd

Mayor Eagle

Absent: None

Planning and Community Development Director Turner introduced a request by Gary Beatty for closure of a 12 foot wide alley running along the northeastern boundary of 752 Ott Street and to vacate 1,290 square feet of right-of-way along Ott Street for a first reading. She explained that City Council at a previous meeting had requested information as to what type of apartment units Mr. Beatty would be putting on the property if the right-of-way were not closed and vacated versus how many units could be put on the property if the right-of-way were closed and vacated. She said that without closing any of the public right-of-way the applicant could get buildings containing 14 units in by having one building with six units and one building with eight units for a total of 56 apartments units. They would also be required to provide 49 parking spaces; however, they have indicated under this scenario they will provide 56 parking spaces. She noted that in each of these units four unrelated people are allowed to live together. If the right-of-ways are closed and vacated as requested they could get buildings containing 17 units in having 68 bedrooms. They would provide 68 parking spaces.

Henry Clark, attorney with the law firm of Clark and Bradshaw, representing Gary Beatty explained that should the Council decide to comply with the request of Gary Beatty to vacate an alley extending from the southwestern side of Cantrell Avenue containing 1,097 square feet and vacate a portion of the right-of-way of Ott Street fronting 752 Ott Street and 748 Ott Street, containing 1,290 square feet, Gary Beatty will as compensation for the vacated area, (1) grant to the City an easement twenty five feet (25') in width for the location, maintenance, replacement and repair of water lines, (2) as a part of the development of the consolidated parcel, relocate the existing six inch (6") water line, which lies outside the alley, to a location within the easement and (3) as a part of the development of the consolidated parcel, remove the wall at the southwest corner of Ott Street and Cantrell Avenue. He also said that normally the City requires payment for vacated alley areas at a rate determined by the Commissioner of Revenue based on the assessed value of the adjoining properties, which in this case is \$2.29 per square foot west of the alley and \$0.94 per square foot east of the alley. At the highest rate the two areas totaling 3,197 square feet would be \$7,321.13. The cost of removal of the wall as a part of the development of the consolidated parcel will be \$9,171.00. No cost estimate has been obtained for the relocation of the 6" water line. We feel that the proposal herein is fair and reasonable and request your concurrence and acceptance. It was noted that the Board of Viewers has recommended approval of this request provided utilities easement is granted and the retaining wall is removed. City Manager noted that the Public Works Department had reviewed whether or not removing the wall will help with sight distance to the west and determined that it is not a factor one way or the other. Following further discussion and comments, Vice-Mayor Lantz offered a motion to approve this request with the stipulation that the City Attorney work out the compensation method and the developer shall provide one parking space per student and that the drawing submitted for the applicant be incorporated into the agreement in terms of number of units and parking spaces. The motion was seconded by Council Member Rogers, and approved with recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Council Member Byrd

Mayor Eagle

Absent: None

Vice-Mayor Lantz offer a motion that the City Attorney and City Manager be directed to advertise the sell of Lot #16 containing approximately 2,065 square feet with the bids returnable to the City Council meeting on August 24, 1999. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manager Stewart presented for Council=s consideration of a first reading an ordinance amending and re-enacting Section 4-1-35 of the Harrisonburg City Code. He explained that this ordinance requested by the City Treasurer will add language that Asays in addition to keeping canceled checks in the office it can also be a facsimile thereof.@ He said that Crestar Bank will be using a Recon 2000+K imaging service through the use of a PC they can connect with a bank and get copies of the actual check. It will allow the City to take advantage of technology. Council Member Rogers offered a motion to approve this ordinance for a first reading. The motion was seconded by Vice-Mayor Lantz, and approved with a roll call vote taken as follows:

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Council Member Byrd

Mayor Eagle

Absent: None

City Manager Stewart presented a request for a supplemental appropriation for the Police Department. He explained that these funds are from a Division of Motor Vehicles grant for alco-sensors for the department. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$793.00 chge. to: 1000-31010 DMV Grant

\$793.00 approp. to: 1000-31031-46140 Other Operating Supplies

The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Council Member Byrd

Mayor Eagle

Absent: None

City Manager Stewart presented a request for a supplemental appropriation of funds encumbered at June 30, 1999. He explained that these funds are for purchase orders committed out of last year=s budget for a variety of goods and/or services. Council Member Green offered a motion to approve this request for a first reading, and that:

\$467,303.15 chge. to: 1000-31010 Amount from fund balance

\$ 6,179.00 approp. to: 1000-121313-48211 Machinery and equipment

3,333.33 approp. to: 1000-120912-48273 Software

40,535.00 approp. to: 1000-121012-48141 Assessment software

1,446.64 approp. to: 1000-122011-43320 Service contracts

2,219.80 approp. to: 1000-310131-48172 Hardware

1,153.75 approp. to: 1000-310131-48211 Machinery and equipment

4,218.00 approp. to: 1000-410121-48274 Geographic Information System

65,009.13 approp. to: 1000-430221-48181 Buildings and grounds

110,000.00 approp. to: 1000-410241-43372 Maintenance and repairs - Bridges

59,437.50 approp. to: 1000-410241-48294 WIP - Annex area 1

8,091.65 approp. to: 1000-410241-48296 WIP - Cantrell Avenue

133,396.66 approp. to: 1000-410241-48297 WIP - West Market Street

11,800.00 approp. to: 1000-710171-43100 Professional services

15,862.69 approp. to: 1000-810521-43134 Laborer market and training survey

4,620.00 approp. to: 1000-810521-43600 Advertising

The motion was seconded by Council Member Rogers, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Council Member Byrd

Mayor Eagle

Absent: None

At 10:00 p.m., Council Member Byrd offered a motion that Council enter a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Community Services (Chapter 10) Board, exempt from public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia, 1950, amended. Consultation with the City Attorney and briefings by staff members pertaining to probable litigation and an existing agreement, exempt from public meeting requirements pursuant to Section 2.1-344(A)(3) of the code of Virginia, as amended. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

At 11:39 p.m., the closed session was declared closed and the regular session reconvened. The following statement was agreed to with a unanimous recorded vote of the Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public matters as were identified in the motion by which the executive or closed meeting were convened, were heard, discussed or considered in the closed session by the City Council.

At 11:40 p.m., there being no further business and on motion adopted the meeting was adjourned.

CLERK

MAYOR

cc: City Council

City Manager

Assistant City Manager

Director of finance

Public Library

Charlene Rice

